

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

BRAD CHESNEL,

Petitioner

v.

JEFFREY MERRILL, Warden,
Maine State Prison,

Respondent

Civil No. 02-221-P-C

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge having filed with the Court on December 16, 2002, with copies to counsel, his Recommended Decision on Respondent's Motion to Dismiss (Docket Item No. 8); and Petitioner having filed his objection thereto on December 31, 2002, (Docket Item No. 9), to which objection Respondent responded on January 10, 2003 (Docket Item No. 10); and this Court having reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; and this Court having made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision, and concurring with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, it is **ORDERED** as follows:

- (1) Petitioner 's objection is hereby **DENIED**;
- (2) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**;

(3) Respondent's Motion to Dismiss is hereby **GRANTED**.

GENE CARTER
Senior District Judge

Dated at Portland, Maine this 13th day of January, 2003.

BRAD CHESNEL
plaintiff

WILLIAM MASELLI, ESQ.
[COR LD NTC]
LAW OFFICE OF WILLIAM MASELLI
98 COURT STREET
AUBURN, ME 04210
(207) 783-4800

v.

WARDEN, MSP
defendant

DONALD W. MACOMBER, ESQ.
[COR LD NTC]
ASSISTANT ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, ME 04333-0006
626-8800

ATTORNEY GENERAL, ME
defendant

DONALD W. MACOMBER, ESQ.
(See above)
[COR LD NTC]